

1 APPEARANCES:

2 Franklin County Prosecutor's Office
3 By Mr. Harold J. Anderson, III
4 Assistant Prosecuting Attorney
5 373 South High Street, 13th Floor
6 Columbus, Ohio 43215

7 On behalf of the Board.

8 ALSO PRESENT:

9 Ms. Suzanne Brown,
10 Executive Assistant to the Board

11 Ms. Karen Cotton,
12 Operations Manager,
13 Franklin County Board of Elections

14 Mr. Ben Piscitelli,
15 Public Information Officer,
16 Franklin County Board of Elections

17 Mr. Todd Wedekind,
18 Manager of the Absentee Department
19 Franklin County Board of Elections

20 Mr. Matt Damschroder,
21 Director of Elections, Ohio Secretary of State

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P R O C E E D I N G S

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DIRECTOR ANTHONY: I would like to call the Franklin County Board of Elections meeting to order. I'll do the roll call.

Kimberly Marinello?

BOARD MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

BOARD MEMBER MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: We have a quorum.

The first item on the agenda would be to approve the minutes of the March 5th, 2012 meeting of the Franklin County Board of Elections.

BOARD MEMBER MARINELLO: Mr. Chairman, I move the Board approve the minutes of the March 5th, 2012 meeting of the Franklin County Board of Elections as submitted.

BOARD MEMBER MANIFOLD: Second.

DIRECTOR ANTHONY: All those in favor, say aye.

BOARD MEMBERS: Aye.

1 DIRECTOR ANTHONY: That's being passed
2 around.

3 The second order of business, I guess
4 we're going to have some discussion. We had two
5 withdrawals of candidacy prior to the certification
6 and they were W. Carlton Weddington, the 25th House
7 seat in the Primary Election, and Al Donahey running
8 for the 19th Seat of the Ohio House.

9 I sent to the Prosecutor -- I guess we
10 need an opinion as to whether -- since they withdrew
11 prior to certification, do the parties -- can the
12 parties appoint their replacement, and we are waiting
13 to try to figure out what that answer is, and they
14 weren't able to get it to us as of this time.

15 The Chairman has asked that we remove
16 those two names from being certified today, waiting on
17 the opinion from our legal -- from the Prosecutor, and
18 then maybe meeting again prior to the 27th if we have
19 to, so there was some discussion.

20 And if you want to jump in and --

21 MR. ANDERSON: Well, we've --

22 DIRECTOR ANTHONY: -- let these guys know.

23 MR. ANDERSON: We've looked at the issue
24 and we don't see a reason that the certification can't

1 be done. We have asked for an opinion from the legal
2 staff of the Secretary of State's office and haven't
3 gotten that legal opinion back from their staff yet.

4 CHAIRMAN PREISSE: As I understand it,
5 there is no provision in the Code to replace a
6 candidate after the primary and prior to
7 certification. And the analogous situation which
8 comes to my mind is that there is no provision in the
9 Code, I believe, to replace a candidate to the ballot
10 in that other gray zone close to the General Election.
11 There's a point after which you cannot replace a
12 candidate to the ballot.

13 DIRECTOR ANTHONY: So the question before
14 you all is whether you want to pull these two names
15 out of certification or leave them in or pull them
16 out. And will you guys be able to have an opinion, do
17 you think, before the official certification, which
18 would be the --

19 DEPUTY DIRECTOR WALCH: We have to do it
20 by the 27th.

21 MR. ANDERSON: By the 27th.

22 DIRECTOR ANTHONY: Yeah, by the 27th.

23 DEPUTY DIRECTOR WALCH: Which will be next
24 Tuesday.

1 DIRECTOR ANTHONY: By next Tuesday.

2 MR. ANDERSON: So if it's certified on
3 Tuesday, we're good.

4 MR. DAMSCHRODER: (Nods.)

5 MR. ANDERSON: So we'll have to notice a
6 meeting for Tuesday.

7 DIRECTOR ANTHONY: Yes.

8 MR. ANDERSON: A special meeting.

9 DIRECTOR ANTHONY: If we pull the names
10 out. I mean that's where we stand. I mean we're
11 gonna, I mean I'm not sure what will happen if we vote
12 to keep the names in and then you guys give an opinion
13 that we all take the names out, do we then have
14 another meeting and vote on that?

15 CHAIRMAN PREISSE: My sense is, with the
16 withdrawal of the candidacies, there's been an
17 evaporation of the candidacies. There are no
18 candidacies to certify in those two positions. You
19 know, my legal career comes from my high school --

20 (Laughter.)

21 CHAIRMAN PREISSE: -- so, you know, but
22 that is my sense of things pending further advice from
23 the Secretary of State and/or our counsel. Those
24 candidacies no longer exist. We've got the withdrawal

1 letters.

2 DEPUTY DIRECTOR WALCH: We do have the
3 withdrawal letters.

4 DIRECTOR ANTHONY: We have both withdrawal
5 letters. One was given March 5th -- no, not March
6 5th. One was given the day before yesterday; Al came
7 in and dropped it off.

8 DEPUTY DIRECTOR WALCH: Representative
9 Weddington's was on March 12th. They actually were --
10 it looks like they were both on March 12th.

11 DIRECTOR ANTHONY: Oh, okay.

12 DEPUTY DIRECTOR WALCH: Mr. Donahey's was
13 also on March 12th.

14 DIRECTOR ANTHONY: I didn't realize that.

15 DEPUTY DIRECTOR WALCH: I'm sorry, that is
16 absolutely incorrect.

17 (Laughter.)

18 MS. COTTON: March 22nd. You're reading
19 it backwards.

20 DEPUTY DIRECTOR WALCH: I'm reading it
21 backwards. On this the year comes first.

22 Mr. Weddington's was on -- I was wondering
23 why his letter was dated the 16th and we had it
24 checked in on the 12th. Mr. Weddington's was on

1 March 19th and Mr. Donahey's was on March 22nd. Sorry
2 for that.

3 DIRECTOR ANTHONY: That's okay.

4 DEPUTY DIRECTOR WALCH: I read everything
5 backwards here.

6 BOARD MEMBER MARINELLO: Mr. Chairman, I
7 move the Board certify and declare as final the
8 official canvass of votes cast at the March 6th, 2012
9 Primary Election, except for the results of the
10 Democratic Primaries in the 19th and 25th Ohio House
11 Districts.

12 DIRECTOR ANTHONY: Is there a second?

13 BOARD MEMBER MANIFOLD: I'll second.

14 DIRECTOR ANTHONY: All right. Then all
15 those in favor, say aye.

16 BOARD MEMBERS: Aye.

17 DIRECTOR ANTHONY: So, of course, that
18 means we'll probably have to have another meeting at
19 least by the 27th.

20 DEPUTY DIRECTOR WALCH: Tuesday.

21 DIRECTOR ANTHONY: At least by Tuesday.

22 DEPUTY DIRECTOR WALCH: We did check out
23 the issue that Chairman Preisse and Member Marinello
24 were both on the ballot this primary cycle. Just so

1 you all know, we did check with the Secretary of
2 State's office on this, and the Prosecutor's office
3 did check with the Ethics Commission on it also, and
4 the advice we got out of both of those entities was
5 because both of you were unopposed in your elections
6 and there is no monetary transaction that takes place,
7 you don't get paid for being on those separate
8 committees, that it was appropriate for the both of
9 you to vote on that matter and certify the results of
10 your own election.

11 MR. ANDERSON: And, further, the Ethics
12 Commission believes because there is a specific
13 statutory exemption that allows board members to run
14 for both County and State Central Committees, that the
15 legislature envisioned that this potential issue could
16 come up where you would vote on a certification of
17 your own, so they do not believe that it would run
18 afoul of Ohio's ethics laws.

19 CHAIRMAN PREISSE: Well, that's good to
20 hear since we already voted on it.

21 (Laughter.)

22 DEPUTY DIRECTOR WALCH: We would have
23 stopped you ahead of time.

24 MR. ANDERSON: Bill got ahead of me a

1 little bit, but we needed to make sure we got that on
2 the record.

3 CHAIRMAN PREISSE: We're delighted you did
4 and you had told us that was the direction we were
5 headed before anyways.

6 DIRECTOR ANTHONY: Well, the election is
7 now certified.

8 DEPUTY DIRECTOR WALCH: Except for the
9 19th and 25th House District.

10 DIRECTOR ANTHONY: Except for the 19th and
11 25th House seats.

12 The next thing we have to do is we have to
13 do a number of post-election audits and, to do that,
14 we have to set the date for the post-election audit
15 per Directive 2012-12, and we're looking at doing them
16 on the 5th, the 6th --

17 DEPUTY DIRECTOR WALCH: 4th.

18 DIRECTOR ANTHONY: 4th, 5th and 6th.

19 BOARD MEMBER MANIFOLD: Mr. Chairman, I
20 move that the Board set the dates of the post-election
21 audit for April 4th, 5th and 6th, and the audit be
22 conducted in accordance with Secretary of State
23 Directive 2012-12, and be held simultaneously at both
24 288 -- 280 East Broad Street and 1719 Alum Creek

1 Drive.

2 DIRECTOR ANTHONY: Is there a second?

3 BOARD MEMBER MARINELLO: Second.

4 DIRECTOR ANTHONY: All in favor, say aye.

5 BOARD MEMBERS: Aye.

6 DIRECTOR ANTHONY: The second part of this
7 is now we have to select a number of voting locations,
8 what we call the "LID numbers" for each of our 483
9 voting locations and then after that we'll start
10 rolling the dice. So we need a motion to kind of
11 accept that we're going to at least roll the dice and
12 figure out which of our 483 locations we'll --

13 DEPUTY DIRECTOR WALCH: We have to make an
14 official motion to do it via voting location as
15 opposed to doing it by individual precinct. Since we
16 do everything via voting locations, we decided our
17 recommendation would be that it would be best to
18 conduct the audit by voting location also. And that's
19 permissible by Secretary of State directives since
20 machines at our voting locations are not specific to
21 precinct but to that voting location.

22 BOARD MEMBER MARINELLO: I move that the
23 Board conduct the post audit -- post-election audit by
24 voting locations using the location identifier number

1 for each of our 483 voting locations.

2 DIRECTOR ANTHONY: Is there a second?

3 BOARD MEMBER MANIFOLD: Second.

4 DIRECTOR ANTHONY: All those in favor, say
5 aye.

6 BOARD MEMBERS: Aye.

7 DIRECTOR ANTHONY: Motion carries.

8 Now we'll roll the dice.

9 MS. COTTON: Pass those to Bill or one of
10 the Board members.

11 DIRECTOR ANTHONY: We'll let one of the
12 Board members roll the dice.

13 DEPUTY DIRECTOR WALCH: What you've each
14 been given is a listing of each voting location
15 number, each LID number. The three dice are ten-sided
16 dice. And how do we do it, red, white, and blue?

17 MS. COTTON: Red, white, and blue.

18 DEPUTY DIRECTOR WALCH: Red, white, and
19 blue for the three numbers in it. If a red one does
20 come up higher than a 4, we'll roll it again because
21 our locations only go to 483. So if we go higher than
22 that, we'll roll them again.

23 Karen will keep track on the computer.
24 She has this programmed into the computer. When she

1 puts the LID number in by the assigned number that we
2 have there, she will keep a running total until we get
3 to the 5 percent we need to do the audit.

4 MS. COTTON: 5 percent is 8,799 votes.

5 CHAIRMAN PREISSE: Does that keep a
6 running tally for you?

7 MS. COTTON: Uh-huh.

8 BOARD MEMBER MARINELLO: Ready?

9 DIRECTOR ANTHONY: Yup.

10 (Board Member Marinello rolls the dice.)

11 BOARD MEMBER MARINELLO: Oh, 0.

12 DEPUTY DIRECTOR WALCH: That's okay.

13 CHAIRMAN PREISSE: That's okay.

14 BOARD MEMBER MARINELLO: 048.

15 MS. COTTON: So 48, that is LID No. 1051,
16 and there's 130 persons who voted in that location.

17 DIRECTOR ANTHONY: What?

18 MS. COTTON: 1051, it's location 48. So
19 look for the No. 48, so that's LID No. 1051.

20 DIRECTOR ANTHONY: Okay.

21 MS. COTTON: 130 voters.

22 DIRECTOR ANTHONY: 130 voters.

23 (Board Member Marinello rolls the dice.)

24 BOARD MEMBER MARINELLO: That's a 9. Just

1 this one? Just the red one?

2 BOARD MEMBER MANIFOLD: The red one.

3 BOARD MEMBER MARINELLO: You do it next
4 time.

5 (Board Member Marinello rolls the dice.)

6 BOARD MEMBER MARINELLO: 456.

7 MS. COTTON: 456, that's LID No. 3042; 617
8 votes.

9 DIRECTOR ANTHONY: 456, right?

10 MS. COTTON: Uh-huh.

11 (Board Member Marinello rolls the dice.)

12 BOARD MEMBER MARINELLO: 110.

13 MS. COTTON: It's LID No. 1118; 142 votes.

14 DEPUTY DIRECTOR WALCH: We have a new
15 shooter here.

16 BOARD MEMBER MARINELLO: Shooter coming
17 out.

18 (Laughter.)

19 DIRECTOR ANTHONY: What was that LID
20 number? I'm slower than everybody.

21 BOARD MEMBER MARINELLO: That was 110.

22 DIRECTOR ANTHONY: 110. Okay.

23 (Board Member Manifold rolls the dice.)

24 BOARD MEMBER MANIFOLD: 474.

1 CHAIRMAN PREISSE: Is that a 7?

2 BOARD MEMBER MANIFOLD: Yeah.

3 MS. COTTON: 474.

4 BOARD MEMBER MARINELLO: That's a big one.

5 MS. COTTON: That's LID No. 4012; 559

6 votes.

7 (Board Member Manifold rolls the dice.)

8 BOARD MEMBER MANIFOLD: 188.

9 MS. COTTON: 188 is LID No. 1205; 315

10 votes.

11 (Board Member Manifold rolls the dice.)

12 BOARD MEMBER MANIFOLD: 3.

13 MS. COTTON: 1003; 190 votes.

14 (Board Member Manifold rolls the dice.)

15 BOARD MEMBER MANIFOLD: 272.

16 MS. COTTON: LID No. 2018; 1,017 votes.

17 CHAIRMAN PREISSE: Good, a big one.

18 (Board Member Manifold rolls the dice.)

19 BOARD MEMBER MANIFOLD: 303.

20 MS. COTTON: LID No. 2050; 519 votes.

21 (Board Member Manifold rolls the dice.)

22 BOARD MEMBER MANIFOLD: 12.

23 MS. COTTON: LID No. 1012; 236 votes.

24 (Board Member Manifold rolls the dice.)

1 BOARD MEMBER MANIFOLD: This is too high,
 2 I think, 496?

3 MS. COTTON: That's too high.

4 DEPUTY DIRECTOR WALCH: That's too high.

5 (Board Member Manifold rolls the dice.)

6 BOARD MEMBER MANIFOLD: 046.

7 MS. COTTON: 46 is LID No. 1049; 163
 8 votes.

9 (Board Member Manifold rolls the dice.)

10 BOARD MEMBER MANIFOLD: 390.

11 MS. COTTON: 390, LID No. 2140; 452 votes.

12 BOARD MEMBER MANIFOLD: 450.

13 MS. COTTON: LID No. 3036; 601 votes.

14 CHAIRMAN PREISSE: How high are you?

15 MS. COTTON: We're at 4,941 selected,
 16 3,858 remaining.

17 (Board Member Manifold rolls the dice.)

18 BOARD MEMBER MANIFOLD: 452.

19 MS. COTTON: 452 is LID 3038; 681.

20 (Board Member Manifold rolls the dice.)

21 BOARD MEMBER MANIFOLD: 271.

22 MS. COTTON: LID No. 2018; 1,017. Oh,
 23 we've already done that one. Sorry.

24 BOARD MEMBER MARINELLO: 201 -- you said

1 271.

2 BOARD MEMBER MANIFOLD: It was 271.

3 DEPUTY DIRECTOR WALCH: It was 271.

4 MS. COTTON: Oh, sorry.

5 BOARD MEMBER MANIFOLD: You already did

6 272.

7 MS. COTTON: Okay, I did 272. We'll do
8 271 and see where we go. Okay, 271 is LID No. 2017;
9 540 votes.

10 (Board Member Manifold rolls the dice.)

11 BOARD MEMBER MANIFOLD: 150.

12 DEPUTY DIRECTOR WALCH: 150?

13 BOARD MEMBER MANIFOLD: Yup.

14 MS. COTTON: LID No. 1160; 211 votes.

15 (Board Member Manifold rolls the dice.)

16 BOARD MEMBER MANIFOLD: 64.

17 MS. COTTON: 64 is LID No. 1070; 116

18 votes.

19 (Board Member Manifold rolls the dice.)

20 BOARD MEMBER MANIFOLD: 330.

21 MS. COTTON: 330 is LID No. 2078; 409.

22 (Board Member Manifold rolls the dice.)

23 BOARD MEMBER MANIFOLD: 114.

24 MS. COTTON: LID No. 1122; 199.

1 (Board Member Manifold rolls the dice.)

2 BOARD MEMBER MANIFOLD: 170.

3 MS. COTTON: LID No. 1183; 248.

4 (Board Member Manifold rolls the dice.)

5 DIRECTOR ANTHONY: You're supposed to blow
6 on the dice at some point.

7 (Laughter.)

8 BOARD MEMBER MANIFOLD: 109.

9 CHAIRMAN PREISSE: It'd be nice if you got
10 some higher numbers. Blow on them, see what happens.

11 MS. COTTON: 1117. 109 is LID 1117; 251
12 votes.

13 (Board Member Manifold rolls the dice.)

14 BOARD MEMBER MANIFOLD: 156.

15 MS. COTTON: LID No. 1166; 129.

16 (Board Member Manifold rolls the dice.)

17 CHAIRMAN PREISSE: I'm not going to Vegas
18 with you.

19 (Laughter.)

20 BOARD MEMBER MANIFOLD: 454.

21 MS. COTTON: LID No. 3040; 650 votes.

22 DIRECTOR ANTHONY: You're getting there.

23 (Board Member Manifold rolls the dice.)

24 BOARD MEMBER MANIFOLD: 220.

1 MS. COTTON: 220 is LID 1248; it's 162.

2 DEPUTY DIRECTOR WALCH: New shooter again.

3 (Board Member Marinello rolls the dice.)

4 BOARD MEMBER MARINELLO: 52.

5 DIRECTOR ANTHONY: 52.

6 MS. COTTON: It's LID 1056; 251.

7 (Board Member Marinello rolls the dice.)

8 BOARD MEMBER MARINELLO: 467.

9 MS. COTTON: We're there. 467; 4001 is
10 the LID number; 960 votes. So we're auditing 949 more
11 votes than required by law.

12 DIRECTOR ANTHONY: All right.

13 DEPUTY DIRECTOR WALCH: Then the last
14 thing we have to do is the Secretary of State's office
15 designated two races that we have to audit: The
16 Republican Presidential race at-large and the -- which
17 one was it?

18 MS. COTTON: The Supreme Court contested
19 race.

20 DEPUTY DIRECTOR WALCH: The contested
21 Supreme Court race. We have to pick one more that is
22 countywide in our county and the only two that fit
23 that are the Republican nomination in the U.S. Senate
24 or the Democrat nomination for County Recorder. And

1 what we're going to do to determine that is to flip a
2 coin to see which one we're going to use.

3 MS. COTTON: I did not bring a coin,
4 sorry.

5 DIRECTOR ANTHONY: I don't have a coin.

6 CHAIRMAN PREISSE: Matthew, do you have a
7 coin?

8 DEPUTY DIRECTOR WALCH: I've got a coin.
9 I've got a nickel here.

10 CHAIRMAN PREISSE: Is it two-headed?

11 (Laughter.)

12 DEPUTY DIRECTOR WALCH: It is not. So do
13 you want to say, let's see, the nickel's got, what,
14 Jefferson on it, so we'll say that's the Democrat --
15 that will be the Democrat race, and tails will be the
16 Republican race. How about that? Does that work?

17 BOARD MEMBER MARINELLO: Okay.

18 DEPUTY DIRECTOR WALCH: We'll flip it.

19 (Deputy Director Walch flips the coin.)

20 DEPUTY DIRECTOR WALCH: I'll let it hit
21 the ground.

22 It is -- Mr. Chairman, that is the head,
23 correct?

24 CHAIRMAN PREISSE: That is the head of

1 Thomas Jefferson.

2 DEPUTY DIRECTOR WALCH: That is the head
3 of Thomas Jefferson, so we will do the Democrat race
4 for County Recorder as our other race.

5 BOARD MEMBER MARINELLO: Do we do a motion
6 on that? Do we need a motion on that?

7 DIRECTOR ANTHONY: No.

8 And then we'll get back with you, we'll
9 either meet Monday or Tuesday concerning the matter of
10 the 19th and 25th House seat. With that, that's all I
11 had.

12 DEPUTY DIRECTOR WALCH: That's all we have
13 on the agenda.

14 BOARD MEMBER MANIFOLD: Mr. Chairman, I
15 make a motion that we adjourn.

16 DIRECTOR ANTHONY: All those in favor, say
17 aye.

18 BOARD MEMBERS: Aye.

19 DIRECTOR ANTHONY: Motion carries.

20 (Thereupon, the proceedings concluded at
21 3:35 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Friday, March 23, 2012, and carefully compared with my original stenographic notes.

Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2013.

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